

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SEAN LANCE FOURNIER,

Plaintiff,

vs.

CCA-CCC, WARDEN(S), MS.
BOWEN, et al.,

Defendants.

CV-16-00125-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Plaintiff Sean Fournier, a prisoner at Montana State Prison, filed a Complaint *pro se* alleging violations of 42 U.S.C. § 1983. (Doc. 2.) Fournier has named the following entities and individuals as Defendants: the Crossroads Correctional Center (“CCC”); staff, grievance coordinators, wardens from 2004 to 2007, and counselors of CCC; Ms. Bowen, cook management; and Mike Mahoney, ex warden. (Doc. 7 at 2.) Fournier alleges that the Defendants deprived him of various constitutional rights during his time as a prisoner at CCC from 2004 to 2006. (Doc. 2 at 5.) United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 21, 2017. (Doc. 7.) Neither party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston acknowledged that the Court must screen Fournier's complaint and dismiss it or portions thereof if the complaint is "frivolous," "fails to state a claim upon which relief may be granted," or "seeks monetary relief from a defendant who is immune." (Doc. 7 at 2-3.) Judge Johnston determined that Fournier's Complaint failed to state a claim under Rule 8 of the Federal Rules of Civil Procedure. *Id.* at 5. Judge Johnston further concluded that the operative statute of limitations for § 1983 claims bars Fournier's Complaint. *Id.* at 5-6. Judge Johnston provided thorough reasoning for these two determinations. The Court concurs.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 7) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS ALSO ORDERED that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain that the Amended Complaint lacks arguable substance in law or fact.

DATED this 12th day of July, 2017.



Brian Morris
United States District Court Judge